from the group consisting of] nucleotides 1 to 321 of Seq. ID No.: 141 [and nucleotides 1 to 321 of Seq. ID No.: 147].

REMARKS

Claims 9 and 22 have been amended to comply with the restriction requirement imposed by the Examiner. The amendment does not affect the scope of the invention claimed and is supported by the originally filed claims 9 and 22. No new matter has been added, and entry is respectfully requested.

RESPONSE

The Examiner has required election between four groups of claims:

Group I: Claims 1-22, 26-29, 31-32, 34-52, drawn to a method of producing an anti-human antigen receptor wherein the VH chain consists of nucleotides 1-381 of SEQ ID NO: 143, and the VL chain consists of nucleotides 1-321 of SEQ ID NO: 141; the anti-human antigen receptor, and a kit.

Group II: Claims 1-22, 26-29, 31-32, 34-52, drawn to a method of producing an anti-human antigen receptor wherein the VH chain consists of nucleotides 1-395 of SEQ ID NO: 145, and the VL chain consists of nucleotides 1-321 of SEQ ID NO: 141; the anti-human antigen receptor, and a kit.

Group III: Claims 1-22, 26-29, 31-32, 34-52, drawn to a method of producing an anti-human antigen receptor wherein the VH chain consists of nucleotides 1-381 of SEQ ID NO: 143, and the VL chain consists of nucleotides 1-321 of SEQ ID NO: 147; the anti-human antigen receptor, and a kit.

Group IV: Claims 1-22, 26-29, 31-32, 34-52, drawn to a method of producing an anti-human antigen receptor wherein the VH chain consists of nucleotides 1-339 of SEQ ID NO: 145, and the VL chain consists of nucleotides 1-321 of SEQ ID NO: 147; the anti-human antigen receptor, and a kit.

It is the position of the Examiner that the inventions are distinct, each from the other, because the methods are practiced with materially different starting materials, have materially different process steps, and are for materially different purposes.

Applicant elect with traverse the "invention" of Group I. No cancellation of claims can be made since the only claims which define the subgeneric combination of VH and VL chains are to be found in dependent claims 9 and 22. The restriction requirement is traversed and reconsideration is requested.

The claims 1-8, 18-19, 26-52 are directed to a generic invention for a method of production an anti-human antigen receptor that is low or not immunogenic in humans. The anti-human receptor comprises two parts: a VH chain from an essentially unprimed mature human B-lymphocyte and a VL chain from a naturally occurring human B cell repertoire or library. It is not clear why the Examiner contends that the generic claims describes a method where the starting materials are materially different. The generic claims are directed to an anti-human antigen receptor that is a combination of a VH chain from an essentially unprimed mature human B-lymphocyte and a VL chain from a naturally occurring human B cell repertoire or library. The step of the method is one selecting a combination of functionally rearranged VH and VL chains as specified. The purpose as recited in the generic claims are directed to the production of an anti-human antigen receptor, albeit the disease treated may be different depending on the VH and VL chains selected.

The Groups defined by the Examiner appears to be directed to species inventions read on by the generic and subgeneric claims. However, species election is different from restriction requirement. Restriction requirement is imposed when the claims, as presented, define distinct and separate inventions. Species election is imposed for the convenience of the Examiner so that each species is examined in turn. It is not clear how substituting one VH chain or one VL chain would render the claim patentable over the generic or subgeneric claims.

In the present case, the examination of the generic claims necessarily involves the examination of all of the species, because the claims are generic. Therefore, limiting the recitation of the VH and VL chains only for claims 9 and 22 does not appear to help the Examiner. For this reason, Applicants contend that the four groups do not define separate and distinct inventions in view of the manner in which the claimed invention is presented in the claims.

Applicants have defined a generic invention with claims 9 and 22 defining subgeneric inventions and claims 21, 28 and the claims 29-32 dependent thereon defining the species invention. Applicants believe that both are co-inventors of the pending claims.

Since the restriction requirement appears to have been incorrectly imposed, withdrawal of the requirement is requested.

The Office Action and the present response was discussed with the Examiner. The courtesy extended is deeply appreciated.

Respectfully submitted,

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APPENDIX I Clean Copy

Claims

9. (Twice Amended). The method according to claim 8, wherein said VH-chain is nucleotides 1 to 381 of Seq. ID NO: 143 and said VL chain is nucleotides 1 to 321 of Seq. ID No.: 141.

22. (Twice Amended). The anti-human antigen receptor according to claim 18 wherein said VH is nucleotides 1 to 381 of Seq. ID NO: 143 and said VL chain is nucleotides 1 to 321 of Seq. ID No.: 141.